

THE GEORGE WASHINGTON UNIVERSITY  
Washington, D.C.

MINUTES OF A REGULAR MEETING  
OF THE FACULTY SENATE HELD ON  
DECEMBER 14, 1984, IN LISNER HALL  
Room 603

- 1 The meeting was called to order by Vice President French at 2:12 p.m.  
  
Present: Vice President French, Registrar Grimm, Parliamentarian Schechter, Altshuler, Cheh, Claeysens, Eldridge, Fox, Frey, Greene, Griffith, Hill, Kelly, Kenney, Kramer, Levy, Loeser, Morgan, Pierpont, Plotz, Rashid, D. Robinson, L. Robinson, Schiller, Schlagel, Smith, Solomon, Tolchin, Wallace, and Yezer  
  
Absent: President Elliott, Barron, Birnbaum, Castleberry, Della Torre, Liebowitz, Lovett, and Singpurwalla
- 2 Vice President French called for approval of the minutes of the regular meeting of November 9, 1984, as distributed. A correction was made on page 1 of the text accompanying Resolution 84/5 in Paragraph E.2.c) to indicate correctly, by slashes, amendments adopted by the Senate November 9, 1984. The minutes were then approved, as corrected.  
  
The Chair then recognized Professor Griffith who briefly outlined the procedure for the meeting. He explained that the draft report distributed to the members today on behalf of some members of the Grievance Committee pertained to Items 3(a) and (b) on the agenda, and would be discussed later. With regard to Item 4(a), he explained that this resolution was reported out of the Appointment, Salary and Promotion Policies Committee, but that a report from the Professional Ethics and Academic Freedom Committee would also be presented, as is usual where changes in the Faculty Code are being proposed.
- 3 (a) Professor Morgan, Chairman, Professional Ethics and Academic Freedom Committee, continued discussion of Resolution 84/5, "A Resolution to Amend the Procedures for Implementation of Article X of the Faculty Code, Paragraph E," postponed to this meeting. On behalf of the Professional Ethics and Academic Freedom Committee, Professor Morgan moved that Section E.2.c) be amended to read, as follows:  
  
E.2.c) The special mediator or mediation committee shall report to the Executive Committee, with copies to the parties, only that a mutually satisfactory solution has been achieved, in which case the report should set forth the basis of the settlement, or that it has been concluded that further efforts at mediation would be futile.  
  
The motion was seconded. Professor Morgan explained that this amendment was for the purpose of clarification. The question was called, and the amendment was adopted. Professor Morgan indicated that the PEAFC Committee had no further recommendations. Professor Griffith then asked the privilege of the floor for Professor David B. Weaver, a member of the Grievance Committee.

Professor Weaver, speaking at the request of Professor Victor H. Cohn, Chairman of the Grievance Committee, who could not be present today, explained that the draft report distributed at the meeting today raised some basic questions about the grievance procedures as a whole. In light of the impending final vote today upon the revisions to these procedures, he said the Grievance Committee thought it was urgent that the Senate first have an opportunity to consider the questions raised in the draft report, and he suggested that Resolution 84/5 be tabled until the final report from the Grievance Committee is distributed. It was the sense of the Grievance Committee, with one possible exception, that the "system" has gone awry, particularly with regard to Section 5, "Disposition," the last Section under Paragraph E., which remains undefined. In view of the Board of Trustees' action in June, rejecting and discarding the unanimous decision by the Grievance Committee, both at the hearing and appeal levels, Professor Weaver said that the Grievance Committee thought the Senate should give careful consideration to the questions raised before voting on Resolution 84/5 today.

Professor Griffith responded that the Executive Committee shared the view that the questions raised in the draft report from the Grievance Committee were serious ones; however, the Executive Committee thought that the Senate ought to proceed today to a final vote of approval of the amendments to Paragraph E., and, if adopted, these should be forwarded to the President so that the process of administrative review could begin as preparation for forwarding to the Board of Trustees. Recognizing the concerns of the Grievance Committee, Professor Griffith said that the Executive Committee proposed language to amend Resolution 84/5 which would allow time for further study of the issues raised by the Grievance Committee. Professor Griffith, on behalf of the Executive Committee, then moved the following amendments (indicated by underlining):

First RESOLVING clause to read:

- (1) That the current procedures in Sections 1-4 of Paragraph E for dealing with grievances be revised and extended by substituting a new Paragraph E. . . .

Add second RESOLVING clause as follows:

- (2) That Section 5. "Disposition" be revised only to retitle the Hearing Committee as "Dispute Resolution Committee" in conformity with other changes, with the understanding that further revisions to this Section are under study and may be recommended separately at a later date.

The motion was seconded. Professor Schiller moved to postpone Resolutions 84/5 and 84/6 to the next Senate meeting, January 18, 1985, because, as a member of the Grievance Committee, he did not think the Griffith amendment met the concerns of the Grievance Committee. Once the procedures are enacted, he said, it would be very difficult to make further changes. The motion to postpone was seconded. A discussion followed by Professors Fox, Cheh, Morgan, Schiller, Griffith, Eldridge, Kramer, Levy, and Wallace. The question was called, and the motion to postpone was defeated.



Discussion on the Griffith amendment resumed. Professor Levy asked how it would be possible to incorporate the sense of the Senate that the revisions to the procedures not go forward to the Board of Trustees until Section 5. "Disposition" has been fully discussed in the Senate. Parliamentarian Schechter suggested that the Griffith amendment be acted upon first by the Senate and then Professor Levy's question could be taken up as a separate matter. Professor D. Robinson said that he assumed "it can be part of the legislative history that, in approving this amendment, we are expressing no view one way or the other with respect to the propriety of the Board of Trustees exercising its present role. In other words, this does not itself constitute a sense of the Senate--that what the Board of Trustees did is offensive to the Senate." The question was called, and the Griffith amendment was carried. The question was then called on the original motion, as amended, and Resolution 84/5, as amended, was adopted. (Resolution 84/5, as amended, is attached with text.)

- 3 (b) On behalf of the Professional Ethics and Academic Freedom Committee, Professor Morgan, Chairman, stated that the Committee had no recommendations for amendments to Resolution 84/6, "A Resolution to Amend the Procedures for Implementation of the Faculty Code, Paragraph F. Dismissal of a Faculty Member." The question was called on the original motion, and Resolution 84/6 was adopted. (Resolution 84/6 is attached with text.)

Professor Levy then moved that it was the sense of the Senate that the Resolution to Amend the Procedures for Implementation of Article X of the Faculty Code, Paragraph E (84/5), as amended, not go forward to the Board of Trustees until the Senate has had ample opportunity to fully discuss Section 5. "Disposition" of the Procedures. The motion was seconded. Discussion followed by Professors Morgan, Levy, Griffith, Schiller, and D. Robinson. The question was called, and the Levy motion was defeated.

(c) On behalf of the Public Ceremonies Committee, Professor Rashid, Chairman, moved the adoption of Resolution 84/10, "A Resolution to Establish an Annual Honors Convocation," postponed to this meeting. The motion was seconded. Professor Rashid pointed out that the accompanying proposal was not part of the resolution, but simply suggestions prepared by the subcommittee. Professor Rashid urged adoption of the resolution as a first step towards recognition of academic achievement by the University. Professor Fox noted that the School of Engineering and Applied Science has a long-standing and traditional program for honoring its scholars, with parents, peers and colleagues present. Because of the success of this program, Professor Fox said it was the concern of his colleagues and the dean that this program not be discontinued. He then moved to amend the resolution by inserting the phrase "for those schools and colleges that wish to participate" after the word "convocation" in the second line of the RESOLVING clause. The motion was seconded. Discussion followed by Professors Tolchin, Rashid, Yezer, and Schlagel. Professor Rashid asked the privilege of the floor for Mr. Bob Guarasci, President of GWUSA, who spoke in favor of the resolution, and against the Fox amendment as perhaps excluding SEAS students from participation in the University-wide Honors Convocation. Professor Fox said that his amendment was consistent with the separate graduation ceremonies the University has moved toward. While recognizing that this resolution would not preclude SEAS students from participation in the University-wide awards program, Professor Fox said that his amendment would clearly permit SEAS to continue its own honors program. Professor Rashid pointed out that the wording in the first WHEREAS clause does not preclude any division within the University from conducting its own recognition ceremony. A discussion by Professors Frey and Wallace followed. The question was called, and the Fox amendment was lost.

Professor Wallace then moved that the RESOLVING clause be amended in lines 2-4 by striking the words "and encourage the President of the University, the Vice President for Academic Affairs, and the deans of the undergraduate schools and colleges of the University," so that it would read:

- (1) That the Faculty Senate endorse the proposal for an honors convocation for implementation by April, 1985.

Professor Rashid accepted the amendment. Professor Kramer moved that the first sentence in the second WHEREAS clause be amended by inserting the word "University-wide" before the word "ceremony" and the motion was seconded. Professor Rashid accepted the amendment. Professor Yezer pointed out that "University-wide" might imply more than undergraduate students. Professor Rashid asked the privilege of the floor for Mr. John Perkins, Assistant Vice President for Student Affairs, and Professor Robert G. Jones, members of the subcommittee to respond to questions. Responding to Professor Yezer's point, Mr. Perkins recommended that the word "undergraduate" be inserted before the word "honor" in the first line of the second WHEREAS clause, so that it would read: "The University does not currently have a University-wide ceremony to honor undergraduate students . . . ." Professor Smith said that he considered that to be redundant because the word "undergraduate" already appeared in the first WHEREAS clause. Professor Claeysens asked if it was the Committee's intention to restrict this ceremony to academic achievement only, and whether or not other academic awards ceremonies would continue to take place. Professor Jones responded that the subcommittee intentionally narrowed the focus of this ceremony to honor academic excellence only, because recognition was given in other ceremonies, honoring athletic achievement, and so forth. He said that the other academic awards ceremonies would continue to take place; however, he pointed out, this resolution would honor academic excellence from the freshman through the senior years. Professor Eldridge asked if this ceremony would be held prior to commencement, and Professor Jones replied that it would be held in late March or early April of each year. The question was called, and Resolution 84/10, as amended, was adopted. (Resolution 84/10, as amended, is attached.)

- 3 (d) On behalf of the Public Ceremonies Committee, Professor Rashid, Chairman, moved the adoption of Resolution 84/11, "A Resolution to Create a University Committee on Public Ceremonies," and the motion was seconded. Professor Rashid explained that the original intent of the Public Ceremonies Committee was to develop policy; however, through the years, the ceremonies have become greater in number and complexity, resulting in many operational and procedural responsibilities which go beyond the charge to this Committee. Therefore, the Committee recommends the establishment of a Presidential committee to plan and execute the University's annual public events. The question was called, and Resolution 84/11 was adopted. (Resolution 84/11 is attached.)

- 4 (a) On behalf of the Appointment, Salary and Promotion Policies Committee, Professor Lilien F. Robinson, Chairman, moved the adoption of Resolution 84/12, "A Resolution to Amend the Faculty Code with Respect to Gradual Retirement," and the motion was seconded. Professor L. Robinson briefly described the history of the resolution. After consultation with the Professional Ethics and Academic Freedom Committee, Provost Johnson, and the Council of Deans, she said the Committee formulated the proposed language for inclusion in the Faculty Code and Faculty Handbook with respect to the gradual retirement policy, and she urged adoption of this resolution.

Professor Morgan, Chairman, Professional Ethics and Academic Freedom Committee, reported that the Committee reviewed the resolution and that he was prepared to report today. One question raised was whether or not a new category of faculty was needed in the Code with respect to gradual retirement status, and the Committee concluded that a new category was not needed. The Committee was of the view that, while it was the right of a faculty member to elect gradual retirement, approval of the appointment of an additional junior faculty member in a department may not be forthcoming immediately from the administration. Therefore, the Committee thought that some degree of control should be included. On behalf of the PEAFC Committee, Professor Morgan then moved to amend new subsection "D" in the first RESOLVING clause, under Section VII. Retirement, Faculty Code, by inserting the words "Subject to programmatic needs" before the first word of the first sentence. The motion was seconded. This amendment, Professor Morgan, explained, was viewed by the Committee as a compromise between the absolute right of a faculty member to elect gradual retirement and the absolute veto power of the administration.

Professor Griffith noted that the Deans of the Medical Center had conveyed their concerns to the Executive Committee about the implications of this resolution for the Medical Center because of the difficulty of defining appropriate reduced loads for medical faculty. He then asked Dean Bowles if he thought the amendment moved by Professor Morgan satisfied the concerns of the Deans of the Medical Center. Dean Bowles responded that he thought it would. The question was called, and the Morgan amendment was adopted.

Continuing his report of the PEAFC Committee, Professor Morgan said that the Committee voiced concern about the language on Page 20 of the Faculty Handbook which states: "The normal teaching portion of a full-time faculty member's commitment to the University is nine hours per semester." Because normal loads are not calculated that easily in some schools, such as the Medical Center, he said that the Committee concluded that generalized language reflecting the variations in "normal" teaching loads should be included. Professor Morgan then moved, on behalf of the PEAFC Committee, to amend the "new section" in the second RESOLVING clause, under Faculty Handbook, p. 37, by substituting the following language for the second and third sentences in the first paragraph:

Either basis will include teaching, research, and other services proportionate to that considered normal for a full-time faculty member in the relevant department, school, college, or other programmatic division of the University. Combinations of effort resulting in such proportionate service must be approved by the department chairperson, cognizant dean, and the Vice President for Academic Affairs.

The motion was seconded. Professor D. Robinson said that he thought that the efforts of the PEAFC Committee was to strike a balance between the individual faculty member trying to work out a reduced load and the need of the University to integrate that with programmatic needs of the University. It seemed to him that if a department chairperson, dean, and Academic Vice President have to approve the program, then that balance will be lost. A discussion followed by Professors Morgan, D. Robinson, Griffith, Rashid, and L. Robinson. Professor Morgan agreed to amend his amendment by deleting the last sentence, so that the



entire "new section" would now read as follows:

Full-time members of the faculty who qualify under the provisions of Section VII.D. of the Faculty Code may retire partially by reducing their service to the University to either a two-thirds or a half-time basis. Either basis will include teaching, research, and other services proportionate to that considered normal for a full-time faculty member in the relevant department, school, college, or other programmatic division of the University.

The seconder agreed to the amendment. Further discussion followed by Professors Yezer, Levy, Fox, and Morgan. Professor Eldridge suggested inserting the word "generally" before the word "proportionate" because "proportionate" assumes that all activities are divisible. Professor Morgan recommended inserting the words "in general" between the words "will" and "include," and the seconder agreed. Dean Bowles asked where the phrase "subject to programmatic needs" appears in the resolution, and Professor Morgan responded that that phrase was adopted as an amendment to the Faculty Code, Section VII. Retirement, new subsection "D" which appeared on Page 1 of the resolution. Professor D. Robinson suggested amending the Faculty Handbook under "new section" to include that same phrase. Professor Morgan replied that he thought that was unnecessary because the Faculty Handbook language refers to Section VII.D. of the Faculty Code which was amended to include the qualification of "programmatic needs." Dean Bowles asked if he could assume then that this resolution was so qualified as it now reads. Professor Griffith responded that the proposed Faculty Code language is the controlling language and offers greater protection than merely adding that phrase to the Faculty Handbook language. The question was called and the Morgan amendment was carried.

Professor Smith said that his concern, as an individual, centered around the question of the tenured slot occupied by a faculty member electing gradual retirement. Obviously, he said, a faculty member electing full retirement does not occupy a tenured slot; however, if a faculty member elects gradual retirement, then the department would receive partial service from a person in a fully-tenured position. Because of the very tight restrictions on the number of tenured slots a department may have, Professor Smith thought this question must be addressed. He then moved to amend the Faculty Code, Section VII.D. by adding the following language:

The allocation and/or determination of tenured positions for each respective department of the University shall not include those occupied by faculty members who elect partial retirement.

The motion was seconded. Professor D. Robinson spoke against the amendment as being unrealistic, especially in departments with a declining enrollment. Professor Morgan also spoke against the amendment. Professor Griffith pointed out that the Executive Committee inserted the phrase "regular active status basis" in the fourth line of new subsection "D" under Section VII. of the Faculty Code, in order to protect the status of the retiree as long as he or she continued to serve on a two-thirds or half-time basis. If, on the other hand, he said, that qualification is deleted, then the retiree would be in a very vulnerable position. Professor Griffith added that the faculty simply cannot have it both ways. Professor Smith replied that he agreed with Professor Griffith and that he was not suggesting that tenure status be withdrawn from a retiree. The intent

of his amendment was to protect the flexibility of the department which would have to appoint someone to fulfill those obligations formerly served by a full-time faculty member. The department, unless it were granted another tenured slot by the administration, would have to appoint someone in a non-tenure-track position. Professor Fox spoke against the amendment, noting that the administration could approve another tenure slot because of programmatic needs in the future. The question was called, and the Smith amendment was lost. The question was called on the original motion, as amended, and Resolution 84/12, as amended, was adopted. (Resolution 84/12, as amended, is attached.)

- 4 (b) On behalf of the Educational and Admissions Policy Committee, Professor Griffith moved the adoption of Resolution 84/13, "A Resolution Recommending Changes in the Academic Calendar," and the motion was seconded. Professor Griffith yielded the floor to Associate Professor Philip Robbins, Acting Chairman of the Educational and Admissions Policy Committee. Professor Robbins said that the Committee was asked to make a study of the academic calendar, primarily because of the addition of a new national holiday--the Martin Luther King Birthday Anniversary. He said the Committee proceeded in several directions but decided upon the recommendations set forth in the resolution and as shown on the attached sample calendar. He noted that Professor Schiff, who will resume the Chair of this Committee in the spring semester, indicated his approval of the proposed changes.

Professor Yezer asked whether or not the amount of time between the end of the fall semester and the beginning of the spring semester was changed, and Professor Robbins indicated that it had not been changed. Professor Griffith then asked the privilege of the floor for Mr. Bob Guarasci, President, GWUSA. Mr. Guarasci said that the Student Association reviewed and discussed the proposed calendar. Generally, he said, the students were opposed to the proposed changes in the academic calendar. They did not want to start the school year until after Labor Day and, therefore, somewhat opposed to moving from a 13-week semester to a 14-week semester. They also thought that the day before Thanksgiving should not be a holiday. There were some comments that the more days of school that students would be provided with, the better it is, especially considering the tuition rates. Because of tuition rates, the students objected to the proposed holiday; instead, they thought classes should be held on that day with the option of attending classes left up to the students. There was strong sentiment against reducing the reading period by a day. The students were of the opinion that the present length of the reading period was inadequate. With respect to abolishing the first 3-week summer session, Mr. Guarasci said the students considered the session very advantageous, especially to senior students who may need only three to six credits to finish their degree programs. Having to wait for the first five and one-half week summer session could jeopardize the students' opportunities for employment, and they objected to that change. Mr. Guarasci said that he hoped the Senate wouldn't regard his report on student opinion as an impediment, but indicative of the need for further discussion.

Professor Fox moved that the 3-day advising period, shown on the sample calendar as August 20, 21, and 22, be reduced to a 2-day advising period by cancelling August 20. This would leave August 21 and 22, or the Thursday and Friday before the normal registration period for advising, which is traditional. Professor Robbins accepted Professor Fox's amendment. Dean Kelly spoke in favor of extending the semesters to 14 weeks. With regard to Paragraph (d) under the RESOLVING clause, Dean Kelly pointed out that by changing the summer sessions to two five and one-half week periods, the variability that now exists for offering classes would be lost. He recommended that Paragraph (d) be deleted. Professor Rashid moved that Paragraph (d) under the RESOLVING clause be deleted. Registrar Grimm said that the 3-week summer session was dropped as a matter of practicality because

there was not enough time between the end of the spring semester and the beginning of the first 3-week summer session to have the dorms ready for occupancy. Professor Altshuler, noting that the Senate was slowly losing its quorum, moved to postpone Resolution 84/13 to the next regular Senate meeting, January 18, 1984. The motion was seconded. Professor Morgan, with reference to Dean Kelly's question about Paragraph (d) and Mr. Grimm's response thereto, asked Professor Robbins whether the Committee considered anything other than housing practicality in arriving at its decision to drop the 3-week summer session. Professor Robbins replied that that concern was considered, but that he would address that question further whenever appropriate. Professor Morgan suggested that this matter be discussed fully before final action is taken. The question was called on the motion to postpone. The motion carried, and Resolution 84/13 was postponed to the next regular meeting of the Faculty Senate on January 18, 1985. (Resolution 84/13 is attached with sample calendar, as amended.) Professor Griffith then requested that the members send any comments or criticisms on the proposed changes to the Educational and Admissions Policy Committee so that the Committee has an opportunity to respond.

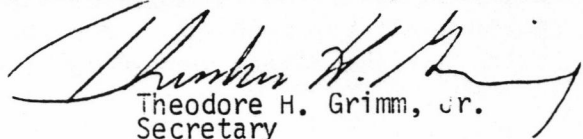
5           No resolutions were introduced under Introduction of Resolutions.

6           (a) On behalf of the Executive Committee, Professor Griffith moved the nomination of Professor Joseph B. Levy for election to the Appointment, Salary and Promotion Policies Committee. Professor Levy was unanimously elected.

(b) On behalf of the Executive Committee, Professor Griffith reported that the Committee had received a resolution dated September 5, 1984, from the Medical Center Senate requesting the Faculty Senate to review the development of a University-wide policy on conflict of interest. After consultation with the President and the Academic Vice President, the Executive Committee learned that there already existed a preliminary report prepared by a committee appointed by former Provost Bright. The Executive Committee referred this report to the Appointment, Salary and Promotion Policies Committee and the Research Committee for their recommendations. Another matter the Senate has been asked to review at the request of the Academic Vice President concerns a recommendation by the School of Government and Business Administration to replace its degrees of DBA and DPA with the degree of Ph.D. Because this change would have implications for degree programs in other schools, the Executive Committee agreed it was an appropriate matter for Senate review and, therefore, referred it to the Educational and Admissions Policy Committee. With respect to the orientation breakfast for new faculty members, Professor Griffith announced that the breakfast will be held January 11, 1985, co-sponsored by the Academic Vice President and the Faculty Senate, and he noted that invitations had been mailed. In conclusion, Professor Griffith said that he requested supplemental funding for increasing the resources of the Faculty Senate Office for the purchase of a computer and for moving the part-time Assistant's position to full-time. The request was granted. With these additional resources, he said that the Faculty Senate Office would be in a better position to provide more assistance to Senate Committees.

7           Under Brief Statements, Vice President French commented that Harold Bright had warned him about the powers of discernment of the President in being able to see agendas well in the future and arranging travel plans accordingly. He also noted that chairing a Senate meeting wasn't quite as much fun as directing the Division of Experimental Programs, but perhaps it could be.

8           Upon motion made and seconded, Vice President French adjourned the meeting at 4:32 p.m.

  
Theodore H. Grimm, Jr.  
Secretary



A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE, PARAGRAPH E (84/5)

WHEREAS, the Morgan Report recommended modifying the Procedures for Implementation of Article X to reduce expense, waste of time and confusion over procedural complexities, by reducing the role of legal counsel to an advisory one or, alternatively, by adjoining a presiding hearing officer to the existing faculty hearing committee; and

WHEREAS, the Committee on Professional Ethics and Academic Freedom, after extensive consultation and review, concludes that the hearing-officer alternative is an approach more protective of faculty rights, and offers surer guarantees of reducing procedural error, confusion and waste of time while still protecting the faculty's role in self-governance; and

WHEREAS, supplementing the full grievance hearing-and-appeal procedure by an arbitration process, for settling substantive disputes which do not involve those specific invasions of professional rights which are grievable, also appears to promise speedier, less costly and more far-reaching dispute resolution; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

(underlining indicates amendments)

- (1) That the current procedures in Sections 1-4 of Paragraph E for dealing with grievances be revised and extended by substituting a new Paragraph E (see attached) to provide for:
  1. a binding arbitration process (cf. 3.a. and 3.b. pp. 4-5)
  2. an experienced Hearing Officer to preside and expanded Hearing Committee authority (a) to dismiss frivolous, non-specific, or repetitious complaints (3.c. & 3.d., pp. 5-8), and (b) to control the hearing itself (3.d., p.8); and
  3. other improvements proposed in the Morgan Report, with respect to Preliminary Proceedings (2.b. & 2.c. p.3) and reports of findings and recommendations (3. d. pp. 8-9), and Appeals (4. a., b., & d. p. 10).
- (2) That Section 5. "Disposition" be revised only to retitile the Hearing Committee as "Dispute Resolution Committee" in conformity with other changes, with the understanding that further revisions to this Section are under study and may be recommended separately at a later date.

Committee on Professional Ethics and Academic Freedom of the Faculty Senate  
April 20, 1984

Postponed 5/4/84 to next regular Senate meeting (9/21/84)  
Postponed 9/21/84 to the November 9, 1984, Senate meeting  
Postponed 11/9/84 to the December 14, 1984, Senate meeting  
Adopted, as amended, December 14, 1984

### E. Procedures for Implementation of Article X of the Faculty Code

#### 1. Grievance Committee

The Faculty Senate shall elect a Grievance Committee of fifteen tenured active status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the grievance procedures.

#### 2. Preliminary Proceedings

a) Before instituting any formal proceedings concerning an alleged violation of the Faculty Code, the aggrieved party or parties shall exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate shall appoint a special mediation committee of three members, none of whom shall be members of the Grievance Committee; and this mediation committee shall conduct an informal investigation of the matter and attempt to effect a mutually satisfactory resolution.

c) The special committee shall submit a report to the Faculty Senate, with copies transmitted to the parties, when it has either achieved a mutually satisfactory resolution or concludes that further efforts at mediation would be futile. The report shall include, if appropriate, the committee's evaluation of, or recommendations concerning, any university, college, school, or departmental policies or practices involved in the dispute.

### E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

#### 1. Grievance Dispute Resolution Committee

The faculty Senate shall elect a Grievance Dispute Resolution Committee of fifteen tenured active status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the grievance procedures.

#### 2. Preliminary Proceedings

a) No change

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate Executive Committee, once it has made its own determination that all reasonable efforts to achieve a resolution through informal consultation have been exhausted, shall appoint either a special mediator or a special mediation committee of three members, none of whom shall be members of the Grievance Dispute Resolution Committee; and this mediator or mediation committee shall conduct an informal investigation of the matter and attempt to effect expeditiously a mutually satisfactory resolution. The appointment shall be recorded in the minutes of the Faculty Senate.

c) The special mediator or mediation committee shall ~~submit a~~ report to the Faculty Senate Executive Committee, with copies to the parties, only when that either a mutually satisfactory resolution solution has been achieved, in which case the the report should set forth the basis of the settlement, or that it is has been concluded that further efforts at mediation would be futile. The report shall include, if appropriate, an evaluation of, or recommendations concerning, any university, college, school, or departmental policies or practices involved in the dispute. If a resolution has been achieved, the report should set forth the basis of the settlement.

#### KEY TO AMENDMENTS:

PEAF Com.orig.: "----" & "----"

Fac.Sen.11/9/84: "///" & "----"

Fac.Sen.12/14/84: "----"

### 3. Formal Proceedings

#### a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, the identity of the remedy sought, and the reasons alleged to justify the remedy.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties.

4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

### 3. Formal Proceedings

#### a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Dispute Resolution Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or responsibilities under the Faculty Code alleged to have been violated or the substantial injury allegedly inflicted, the specific act or acts alleged to constitute the violation or to have inflicted the injury, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance or arbitration may be maintained on the basis of error which did not affect the substantial rights of the complainant.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Dispute Resolution Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties. -4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

4) Upon receipt of the complaint and reply, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, consider whether the matter in dispute is suitable for arbitration; and if he finds it so, shall recommend offer arbitration to the parties.

Agreement to arbitration binds the parties to accept the arbitrator's award. If the parties agree, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and Hearing Officer as provided below to consider whether a grievance may be maintained.



3. Formal Proceedings

a) Commencement of Proceedings /cont./

Add new section:

5) Arbitration shall not be initiated unless all parties to the dispute agree to arbitration. Where a dispute contains issues that are arbitrable only and issues that are grievable, the parties may agree to sever the issues which are arbitrable only and arbitrate only those issues. If the parties agree to arbitration, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and a Hearing Officer as provided below to consider whether a grievance may be maintained.

## E. PROCEDURES FOR IMPLEMENTATION

### 3. Formal Proceedings

#### b) Arbitration

1) Upon mutual agreement to arbitration, an arbitrator shall be ~~picked~~ designated by the Chairman of the Dispute Resolution Committee, in consultation with the Executive Committee, from a ~~panel of~~ University faculty ~~who are~~ ~~qualified by~~ selected on the basis of their experience and training. ~~The complainant~~  
Any party may make one preemptory challenge to the arbitrator appointed. Any party may also challenge for cause the arbitrator appointed, in which case the Dispute Resolution Committee shall review the challenge, and if it is found justified, the Chairman shall appoint another arbitrator.

2) The Arbitrator shall request expeditiously that the parties concerned submit documents and other information enabling the arbitrator to determine that an arbitrable dispute exists. This initial activity may include interviewing the parties. If the arbitrator finds that the dispute is not an arbitrable one under Article X.B.2. of the Code, he shall return the dispute to the Dispute Resolution Committee for disposition. Otherwise a time for hearing shall be set as soon as all parties can appear.

3) The arbitration hearing is less formal than that for resolving grievances, and emphasis shall be on a complete and fair presentation of the issues. The parties shall have access to all documents submitted to the arbitrator, except documents pertaining to individual faculty salaries. The arbitrator may question witnesses and otherwise assist the parties to present the information needed to make an informed decision. Each party may make a closing statement after all testimony has been presented.

Add new section:

4) The task of the arbitrator is not to substitute his/her judgment for that of the makers of the decision which is being challenged unless he/she finds that a substantial injury has resulted from an arbitrary and capricious action.

## 3. Formal Proceedings

## b) Arbitration /cont./

4) 5) The award and a written reason for the decision shall be prepared by the arbitrator within 60 days from conclusion of the hearing. A copy shall be sent to the faculty member, any other parties to the dispute, and the Dispute Resolution Committee. The award is binding on the parties, including the University, should it be a party.

## b) Hearing Committee

1) Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee. If the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which could have been presented in a previous hearing, the Hearing Committee, in its discretion, may dismiss the complaint.

b) c) Hearing Committee and Hearing Officer

1) If the issue in dispute is not suitable for arbitration or the parties fail to agree to binding arbitration, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training, but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

(Delete rest of original section.)

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by preemptory challenge. Any party may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by preemptory challenge. Any party may also seek to disqualify a any member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chairman of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.



## E. PROCEDURES FOR IMPLEMENTATION

## 3. Formal Procedures

## b) Hearing Committee

3) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

b) c) Hearing Committee and  
Hearing Officer /cont./

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chairman of the Dispute Resolution Committee shall convene the Hearing Committee to review the Complaint. If a defendant moves to dismiss and if the Chairman of the Dispute Resolution Committee and two members of the Hearing Committee or if all members of the Hearing Committee, majority of the Hearing Committee, after an opportunity for informal argument by the parties, finds that the complaint does not allege facts sufficient to state a grievance under the Code or that the complaint is based upon evidence or allegations which are substantially the same as those that have been previously heard and decided, or which could have been presented in a previous hearing, or that the complaint raises, in whole or in part, issues that are arbitrable only, the complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If ten members a majority of the Dispute Resolution Committee (including the Chairman and the members of the Hearing Committee) concludes that for any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed, in whole or in part, and the matters dismissed deemed closed.

Add new section:

4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and establish a schedule for the hearing.

4) 5) No change

Add new section:

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy, as

4) All three members of the Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Procedures

b) c) Hearing Committee and Hearing Officer  
/cont./

these are acted upon by the Hearing  
Committee. The Hearing Officer signs  
dispositive orders of the Hearing Committee  
only to authenticate them.

Add new section:

7) Members of hearing committees, members  
of the Dispute Resolution Committee, and  
the parties shall avoid ex-parte communica-  
tions bearing on the substance of the  
dispute.

## 3. Formal Proceedings

## c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) The Hearing Committee may, in its discretion, request that the Executive Committee of the Faculty Senate designate a member of the Law Faculty to serve as Committee Counsel to advise the Committee on legal questions during the hearings and deliberations.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of due process of law. The parties shall be entitled to testify on their own behalf, to call as witnesses any member of the University faculty and also any other person who is willing to testify, to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn depositions may be received in evidence when opposing parties have been given reasonable opportunity to appear and cross-examine the deponent. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of another party and not privileged, and may offer such documents or excerpts therefrom in evidence.

## e) d) Procedure for Hearings

1) No change

2) A grievance procedure is not a formal judicial proceedings. Its purpose is to provide a fair evaluation of the allegation that a right or a responsibility has been violated. In order to achieve that end, the Hearing Committee shall have authority to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and also any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence which is not privileged. The Hearing Committee may decline to consider evidence where its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf, to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and to call any other person who is willing to testify; to present written and other tangible evidence, and to cross-examine witnesses called by other parties. ~~Sworn depositions may be received in evidence at the discretion of the Hearing Committee.~~ A party shall be entitled to inspect and copy in advance of the hearing, any relevant documents in the control of the other party and not privileged, and may offer such documents or excerpts therefrom in evidence.



Procedures for Implementation of  
Article X of the Faculty Code

3. Formal Proceedings

c) Procedure for Hearings

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The vote of a majority shall be determinative.

8) The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties.

3. Formal Proceedings

ε) d) Procedure for Hearings /cont./

4) No change

5) No change

6) No change

7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The Hearing Committee is not to substitute its judgment for that of the makers of a decision which is being challenged but rather to determine whether a substantial injury has resulted from an action that was arbitrary and capricious or otherwise substantially in violation of the Faculty Code. The vote of a majority shall be determinative.

8) Within ten calendar days The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties and to the Chairman of the Dispute Resolution Committee.

Add new section:

9) The hearing procedures shall be concluded and the Hearing Committee's decision shall be rendered as soon as practicable.

E. Procedures for Implementation of  
Article X of the Faculty Code

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by those members of the Grievance Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal.

c) The parties to an appeal shall be entitled to present written and oral argument.

d) The Grievance Committee shall render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Grievance Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Dispute Resolution Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by members of the Grievance Dispute Resolution Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Grievance Dispute Resolution Committee eligible under the terms of this section.

c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.

d) The Grievance Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Grievance Dispute Resolution Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE,  
PARAGRAPH F, DISMISSAL OF A FACULTY MEMBER (84/6)

WHEREAS, the procedures provided in Paragraph F for Dismissal of a Faculty Member for Adequate Cause under Article V, Paragraph C of the Faculty Code are closely linked to the Procedures for Implementation of Article X in Paragraph E, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Paragraph F be brought into conformity with Paragraph E of the Procedures by substituting "Dispute Resolution" for "Grievance" Committee wherever the latter term appears as shown in the attached:

Committee on Professional Ethics and Academic Freedom of The Faculty Senate  
April 20, 1984

Postponed 5/4/84 to next regular Senate meeting (9/21/84)

Postponed 9/21/84 to the November 9, 1984, Senate meeting

Postponed 11/9/84 to the December 14, 1984, Senate meeting

Adopted December 14, 1984



**F. Procedures for the Dismissal of a Faculty Member for Adequate Cause**

**1. Commencement of Proceedings**

a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chairman of the Grievance Committee, signed by the Vice President for Academic Affairs and either the dean or the department chairman who has administrative responsibility for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall

be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chairman of the Executive Committee of the Faculty Senate.

b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school or college of the faculty member concerned, or twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand to the faculty member concerned or sent by registered mail to his residence. Copies shall also be sent to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs.

c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, to the Chairman of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

**F. Procedures for the Dismissal of a Faculty Member for Adequate Cause**

**1. Commencement of Proceedings**

a) line 4: Strike "Grievance" and insert "Dispute Resolution"

b) line 12: Strike "Grievance" and insert "Dispute Resolution"

c) line 5: Strike "Grievance" and insert "Dispute Resolution"

**F. Procedures for the Dismissal of a Faculty Member for Adequate Cause**

**2. Hearing Committee**

a) Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Grievance Committee.

b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

c) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

d) All of the members of the Hearing Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

**3. Procedure for Hearings**

The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

**4. Appeals**

The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

**5. Attorneys' Fees and Expenses**

If a faculty member prevails against charges brought against him or her, the University may, upon recommendation of the Hearing Committee, reimburse the faculty member concerned for all or part of attorneys' fees and expenses actually incurred in his or her defense.

**F. Procedures for the Dismissal of a Faculty Member for Adequate Cause**

**2. Hearing Committee**

a) line 2 & 6:  
Strike "Grievance" and insert "Dispute Resolution"

b) lines 10, 12 & 14:  
Strike "Grievance" and insert "Dispute Resolution."

c) No change

d) No change

**3. Procedure for Hearings**

No change

**4. Appeals**

No change

**5. Attorney's Fees and Expenses**

No change

A RESOLUTION TO ESTABLISH AN ANNUAL HONORS CONVOCATION (84/10)

WHEREAS, The Public Ceremonies Committee of the Faculty Senate has drawn up and unanimously approved a proposal for an annual honors convocation to "promote excellence in education at The George Washington University by recognizing undergraduate students who have achieved academic distinction"; and

WHEREAS, The University does not currently have a <sup>University-wide undergraduate</sup> ceremony to honor students who have excelled in scholastic activity; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the Faculty Senate endorse the proposal for an honors convocation ~~and encourage the President of the University, the Vice President for Academic Affairs, and the deans of the undergraduate schools and colleges of the University~~ for implementation by April, 1985.

Public Ceremonies Committee  
October 12, 1984

Postponed 11/9/84 to the December 14, 1984, Senate meeting

Adopted, as amended, December 14, 1984



A RESOLUTION TO CREATE A UNIVERSITY COMMITTEE ON PUBLIC CEREMONIES (84/11)

WHEREAS, In recent years, public ceremonies at the University have become so varied and complex that their success requires the orchestration of a number of campus offices; and

WHEREAS, The Committee on Public Ceremonies is responsible for the growing, logistical burdens of University events such as the Opening Convocation, the winter and spring graduation exercises, and possible new programs, all of which seem to go beyond the original Committee charge to formulate recommendations and general policy regarding honorary degree candidates and all ceremonial functions; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the existing Committee on Public Ceremonies of the Faculty Senate be renamed the Committee on Honors and Academic Convocations with the charge to formulate recommendations and general policy regarding honorary degree candidates and all ceremonial functions; and
- (2) That the Faculty Senate recommend that the President create a University Committee on Public Ceremonies to plan and execute the University's annual public events, to be effective Academic Year 1985-86.

Public Ceremonies Committee  
October 12, 1984

Postponed 11/9/84 to the December 14, 1984, Senate meeting

Adopted December 14, 1984

A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO GRADUAL RETIREMENT (84/12)

WHEREAS, in Resolution 84/3 the Faculty Senate approved a gradual retirement policy for full-time active status faculty members; and

WHEREAS, that Resolution further directed that appropriate language regarding the gradual retirement option be recommended for inclusion in the Faculty Code; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That, subject to the approval of the Board of Trustees, the following changes be made in the Faculty Code:

Section VII. Retirement (pp.13,14)

A. In the second sentence of the second paragraph:

Add "fully" between "is" and "retired"

Add new subsection "D" as follows:

Subject to programmatic needs,  
D. /full-time tenured members of the faculty with ten years of continuous full-time service who are between the ages of 60 and 70 may elect to continue on a half-time or two-thirds-time regular active status basis to the mandatory retirement age. Benefits and conditions of this reduced service will be as specified in the Faculty Handbook at the time the election to retire is made.

Section VIII. Retirement Annuity (p.14)

Replace present paragraph with the following:

The University has entered into agreements with providers of retirement annuities and other retirement investments, which agreements are organized on a dual participation basis. Full-time and regular part-time (as defined in Faculty Handbook) members of the faculty and those continuing in reduced service under the provisions of Section VII.D. are eligible to participate.

- (2) That the following changes be recommended in the Faculty Handbook:

Current page 34 - Benefits on Resignation or Retirement:

Insert "Full" following "or" in heading

(continued next page)

(2) (recommended changes in Faculty Handbook continued)

Current page 37:

Add new section (before last paragraph re: emeritus status):

Full-time members of the faculty who qualify under the provisions of Section VII.D. of the Faculty Code may retire partially by reducing their service to the University to either a two-thirds or a half-time basis. ~~The two-thirds basis is usually considered to include teaching four courses per year and proportionate research and other service, while the one-half basis is usually considered to include teaching three courses per year and proportionate research and other service. Other combinations of effort resulting in such reduced service must be approved by the department chairperson, cognizant dean, and the Vice President for Academic Affairs.~~ Either basis will in general include teaching, research, and other services proportionate to that considered normal for a full-time faculty member in the relevant department, school, college, or other programmatic division of the University.

The faculty member's salary shall be two-thirds or one-half of the normal full-time salary, and eligibility for annual salary increases shall continue.

All other benefits with the exception of the University's retirement contribution shall continue on the same basis as for full-time service. The University's contribution to the retirement plan will be continued on the same terms as for full-time faculty except that it will be based on the individual's actual salary.

Once a faculty member has elected to retire partially under the provisions of Section VII.D. of the Faculty Code, he/she may not increase the level of service thereafter. Correspondingly, the electing faculty member's salary, eligibility for salary increases, and other benefits may not be reduced. The faculty member may elect to retire fully at any appropriate time.

Committee on Appointment, Salary and  
Promotion Policies (including Fringe Benefits)

November 30, 1984

Adopted, as amended, December 14, 1984



A RESOLUTION RECOMMENDING CHANGES IN THE ACADEMIC CALENDAR (84/13)

- WHEREAS, The Faculty Senate has requested the Committee on Educational and Admissions Policy to study the academic calendar for possible changes, and
- WHEREAS, Answers to a questionnaire distributed to faculty, administrators, and students in Spring 1984 show substantial desire for some additional study time in the calendar, which underwent its last major adjustment in 1974, and
- WHEREAS, The George Washington University has fewer teaching days than many other major Washington Consortium universities, and
- WHEREAS, The study of several thousand institutions of higher learning show that the Early Semester has been and is the most widely used and rapidly growing calendar for such institutions in the United States, and
- WHEREAS, The Committee believes that the educational process at The George Washington University would be better served by a calendar with some extra time off from class for catch-up study and research, and
- WHEREAS, The quality of the educational program in proportion to student dollars expended becomes an increasing concern in a period when the numbers of young people in the college pool each year is declining, and
- WHEREAS, Faculty on academic year appointments are paid for nine months' service so that institution of calendar changes proposed below would not require additional compensation for faculty; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That, beginning with Academic Year 1986-87, the Academic Calendar be changed so as generally to follow the sample calendar attached, which would:

- (a) establish 14-week semesters for Fall and Spring that would include 28 class meeting dates each semester for both Monday-Wednesday and Tuesday-Thursday classes;
- (b) include the Wednesday before Thanksgiving as a University holiday; end the Fall Semester before the mid-winter (Christmas) break; and keep the interval between Fall and Spring Semesters at least as at present;
- (c) reduce the present reading period by only one day if necessary to add class dates to the calendar; and
- (d) change the Summer Sessions to two 5-1/2 week periods of 28 class meeting dates each, but still allow departments to teach three-week sessions within the longer terms if they so desire and also provide time bands for longer class periods for "no-Fridays" summer classes if departments and instructors so desire.

Committee on Educational and Admissions Policy  
November 27, 1984

Postponed 12/14/84 to January 18, 1985, Senate meeting, with pending amendment

AUGUST

1986-87

JANUARY

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31						

A=Advise  
R=Register  
C=Class  
/R=Reading  
E= Exam  
G=Grad-  
uation  
☒=Class  
to be on  
Regular  
Mon-Wed  
Schedule

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\*Faculty Senate amendment adopted 12/14/84  
to cancel this day as an "Advising Day."

THE GEORGE WASHINGTON UNIVERSITY  
Washington, D.C.  
20052

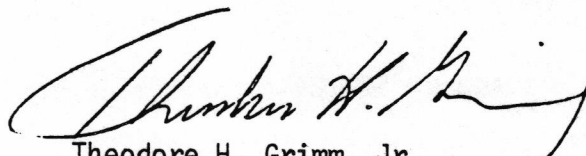
The Faculty Senate

December 3, 1984

The Faculty Senate will meet on Friday, December 14, 1984, at 2:10 p.m. in Lisner Hall 603.

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of November 9, 1984
3. Old Business:
  - (a) A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE, PARAGRAPH E (84/5), postponed November 9, 1984, to December 14, 1984; Professor John A. Morgan, Jr., Professional Ethics and Academic Freedom Committee (Resolution 84/5 attached with text showing amendments adopted 11/9/84)
  - (b) A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE, PARAGRAPH F. DISMISSAL OF A FACULTY MEMBER (84/6), postponed November 9, 1984, to December 14, 1984; Professor John A. Morgan, Jr., Professional Ethics and Academic Freedom Committee (Resolution 84/6 attached with text)
  - (c) A RESOLUTION TO ESTABLISH AN ANNUAL HONORS CONVOCATION (84/10) with accompanying proposal, postponed November 9, 1984, to December 14, 1984; Professor Martha N. Rashid, Chairman, Public Ceremonies Committee (Resolution 84/10 attached with proposal)
  - (d) A RESOLUTION TO CREATE A UNIVERSITY COMMITTEE ON PUBLIC CEREMONIES (84/11), postponed November 9, 1984, to December 14, 1984; Professor Martha N. Rahsid, Chairman, Public Ceremonies Committee (Resolution 84/11 attached)
4. Resolutions:
  - (a) A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO GRADUAL RETIREMENT (84/12); Professor Lilien F. Robinson, Chairman, Appointment, Salary and Promotion Policies Committee (Resolution 84/12 attached)
  - (b) A RESOLUTION RECOMMENDING CHANGES IN THE ACADEMIC CALENDAR (84/13) with accompanying sample calendar; Associate Professor Philip Robbins, Acting Chairman, Educational and Admissions Policy Committee (Resolution 84/13 attached with sample calendar)
5. Introduction of Resolutions
6. General Business:
  - (a) Nomination for election of Professor Joseph B. Levy to Appointment, Salary and Promotion Policies Committee
  - (b) Report of the Executive Committee: Professor William B. Griffith, Chairman
7. Brief Statements
8. Adjournment

  
Theodore H. Grimm, Jr.  
Secretary



A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE, PARAGRAPH E (84/5)

WHEREAS, the Morgan Report recommended modifying the Procedures for Implementation of Article X to reduce expense, waste of time and confusion over procedural complexities, by reducing the role of legal counsel to an advisory one or, alternatively, by adjoining a presiding hearing officer to the existing faculty hearing committee; and

WHEREAS, the Committee on Professional Ethics and Academic Freedom, after extensive consultation and review, concludes that the hearing-officer alternative is an approach more protective of faculty rights, and offers surer guarantees of reducing procedural error, confusion and waste of time while still protecting the faculty's role in self-governance; and

WHEREAS, supplementing the full grievance hearing-and-appeal procedure by an arbitration process, for settling substantive disputes which do not involve those specific invasions of professional rights which are grievable, also appears to promise speedier, less costly and more far-reaching dispute resolution; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY That the current procedures in Paragraph E for dealing with grievances be revised and extended by substituting a new Paragraph E (see attached), to provide for:

1. a binding arbitration process (cf. 3. a and 3. b pp 4-5)
2. An experienced Hearing Officer to preside and expanded Hearing Committee authority (a) to dismiss frivolous, non-specific, or repetitious complaints (3. c. & 3. d., pp 5-8), and (b) to control the hearing itself (3. d., p 8); and
3. other improvements proposed in the Morgan Report, with respect to Preliminary Proceedings (2. b & 2. c, p. 3) and reports of findings and recommendations (3. d, pp. 8-9), and Appeals (4. a, b, & d p 10).

Committee on Professional Ethics and Academic Freedom of The Faculty Senate  
April 20, 1984

Postponed 5/4/84 to next regular Senate meeting (9/21/84)

Postponed 9/21/84 to the November 9, 1984, Senate meeting

Postponed 11/9/84 to the December 14, 1984, Senate meeting

## E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

### E. Procedures for Implementation of Article X of the Faculty Code

#### 1. Grievance Committee

The Faculty Senate shall elect a Grievance Committee of fifteen tenured active status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the grievance procedures.

#### 2. Preliminary Proceedings

a) Before instituting any formal proceedings concerning an alleged violation of the Faculty Code, the aggrieved party or parties shall exhaust all reasonable efforts to achieve a resolution of the situation through informal consultation with the appropriate faculty members and administrative officers.

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate shall appoint a special mediation committee of three members, none of whom shall be members of the Grievance Committee; and this mediation committee shall conduct an informal investigation of the matter and attempt to effect a mutually satisfactory resolution.

c) The special committee shall submit a report to the Faculty Senate, with copies transmitted to the parties, when it has either achieved a mutually satisfactory resolution or concludes that further efforts at mediation would be futile. The report shall include, if appropriate, the committee's evaluation of, or recommendations concerning, any university, college, school, or departmental policies or practices involved in the dispute.

NOTE: Amendments adopted 11/9/84 by the Faculty Senate indicated by: "\_\_\_" and "/" in right-hand columns.

### E. PROCEDURES FOR IMPLEMENTATION OF ARTICLE X OF THE FACULTY CODE

#### 1. Grievance Dispute Resolution Committee

The faculty Senate shall elect a Grievance Dispute Resolution Committee of fifteen tenured active status faculty members, no more than three of whom shall be members of the faculty of any one school or college (except that four may be members of the faculty of Columbian College) and none of whom may be serving as academic administrators. The members of the Committee shall serve three-year staggered terms, so that the terms of five of the members shall expire each year. The Faculty Senate shall designate the Chairman of the Committee from among the members of the Committee. Alternate temporary members may be appointed at any time by the Executive Committee to facilitate the grievance procedures.

#### 2. Preliminary Proceedings

a) No change

b) If informal consultation fails to resolve the matter, the aggrieved party shall refer the dispute to the Faculty Senate by means of a letter addressed to the Chairman of the Executive Committee. The Senate Executive Committee, once it has made its own determination that all reasonable efforts to achieve a resolution through informal consultation have been exhausted, shall appoint either a special mediator or a special mediation committee of three members, none of whom shall be members of the Grievance Dispute Resolution Committee; and this mediator or mediation committee shall conduct an informal investigation of the matter and attempt to effect expeditiously a mutually satisfactory resolution. The appointment shall be recorded in the minutes of the Faculty Senate.

c) The special mediator or mediation committee shall submit a report to the Faculty Senate Executive Committee, with copies to the parties, when that either a mutually satisfactory ~~resolution~~ solution has been achieved or it ~~is~~ has been concluded that further efforts at mediation would be futile. The report shall include, if appropriate, ~~an~~ evaluation of, or recommendations concerning, any university, college, school, or departmental policies or practices involved in the dispute. If a resolution has been achieved, the report should set forth the basis of the settlement.

### 3. Formal Proceedings

#### a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, the identity of the remedy sought, and the reasons alleged to justify the remedy.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties.

4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

### 3. Formal Proceedings

#### a) Commencement of Proceedings

1) If the preliminary proceedings do not result in a mutually satisfactory resolution of the dispute, any party to the dispute may commence formal proceedings by means of a complaint addressed to the Chairman of the Grievance Dispute Resolution Committee, with copies sent to the Chairman of the Executive Committee of the Faculty Senate and the other party or parties.

2) The complaint shall set forth with particularity the nature of the dispute, specifying the rights or responsibilities under the Faculty Code alleged to have been violated or the substantial injury allegedly inflicted, the specific act or acts alleged to constitute the violation or to have inflicted the injury, the identity of the remedy sought, and the reasons alleged to justify the remedy. No grievance or arbitration may be maintained on the basis of error which did not affect the substantial rights of the complainant.

3) Within twenty calendar days of the receipt of the complaint, the other party or parties to the dispute shall reply in writing, sending copies of the reply to the Chairman of the Grievance Dispute Resolution Committee, the Chairman of the Executive Committee of the Faculty Senate, and the complaining party or parties. -4) The reply shall set forth with particularity the position of the replying party or parties with respect to each allegation of the complaint.

4) Upon receipt of the complaint and reply, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, consider whether the matter in dispute is suitable for arbitration; and if he finds it so, shall recommend offer arbitration to the parties.

Agreement to arbitration binds the parties to accept the arbitrator's award. If the parties agree, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and Hearing Officer as provided below to consider whether a grievance may be maintained.



3. Formal Proceedings

a) Commencement of Proceedings /cont./

Add new section:

5) Arbitration shall not be initiated unless all parties to the dispute agree to arbitration. Where a dispute contains issues that are arbitrable only and issues that are grievable, the parties may agree to sever the issues which are arbitrable only and arbitrate only those issues. If the parties agree to arbitration, the Chairman of the Dispute Resolution Committee shall initiate the arbitration process as specified below. If the matter in dispute is not suitable for arbitration or the parties fail to agree on arbitration, the Chairman of the Dispute Resolution Committee shall appoint a Hearing Committee and a Hearing Officer as provided below to consider whether a grievance may be maintained.

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Proceedings

b) Arbitration

1) Upon mutual agreement to arbitration, an arbitrator shall be ~~picked~~ designated by the Chairman of the Dispute Resolution Committee, in consultation with the Executive Committee, from a ~~panel of~~ University faculty ~~who are~~ ~~qualified by~~ selected on the basis of their experience and training. ~~The complainant~~ Any party may make one preemptory challenge to the arbitrator appointed. Any party may also challenge for cause the arbitrator appointed, in which case the Dispute Resolution Committee shall review the challenge, and if it is found justified, the Chairman shall appoint another arbitrator.

2) The Arbitrator shall request expeditiously that the parties concerned submit documents and other information enabling the arbitrator to determine that an arbitrable dispute exists. This initial activity may include interviewing the parties. If the arbitrator finds that the dispute is not an arbitrable one under Article X.B.2. of the Code, he shall return the dispute to the Dispute Resolution Committee for disposition. Otherwise a time for hearing shall be set as soon as all parties can appear.

3) The arbitration hearing is less formal than that for resolving grievances, and emphasis shall be on a complete and fair presentation of the issues. The parties shall have access to all documents submitted to the arbitrator, except documents pertaining to individual faculty salaries. The arbitrator may question witnesses and otherwise assist the parties to present the information needed to make an informed decision. Each party may make a closing statement after all testimony has been presented.

Add new section:

4) The task of the arbitrator is not to substitute his/her judgment for that of the makers of the decision which is being challenged unless he/she finds that a substantial injury has resulted from an arbitrary and capricious action.

## 3. Formal Proceedings

## b) Arbitration /cont./

4) 5) The award and a written reason for the decision shall be prepared by the arbitrator within 60 days from conclusion of the hearing. A copy shall be sent to the faculty member, any other parties to the dispute, and the Dispute Resolution Committee. The award is binding on the parties, including the University, should it be a party.

b) c) Hearing Committee and Hearing Officer

1) If the issue in dispute is not suitable for arbitration or the parties fail to agree to binding arbitration, the Chairman of the Dispute Resolution Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Dispute Resolution Committee, and a presiding Hearing Officer from a panel of names previously approved by the Executive Committee. The Hearing Officers shall be chosen from among University personnel of appropriate experience and training, but need not be attorneys. The role of the Hearing Officer throughout these procedures is to assure an orderly, expeditious, and relevant hearing; to assure the development of a complete, fair and reliable record; and to advise the Hearing Committee as to issues of substance and procedure. The Hearing Committee may request the replacement of the Hearing Officer at any time.

(Delete rest of original section.)

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by preemptory challenge. Any party may also seek to disqualify a any member of the Hearing Committee for cause. The Dispute Resolution Committee shall hear and decide any challenges for cause. The Chairman of the Dispute Resolution Committee shall, from among the remaining members of the Dispute Resolution Committee, fill any vacancies on the Hearing Committee created by challenges.

## b) Hearing Committee

1) Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of three members from among the members of the Grievance Committee. If the Hearing Committee finds that the complaint is based upon issues, evidence or allegations that have been previously heard and decided, or which could have been presented in a previous hearing, the Hearing Committee, in its discretion, may dismiss the complaint.

2) No member of the same department as a party shall sit on the Hearing Committee. Any party to a dispute may disqualify one member of the Hearing Committee by preemptory challenge. Any party may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.



E. PROCEDURES FOR IMPLEMENTATION  
3. Formal Procedures

b) Hearing Committee

3) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

4) All three members of the Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

b) c) Hearing Committee and  
Hearing Officer /cont./

3) When all challenges have been decided and vacancies filled, and as soon as reasonably possible after receipt of respondent's reply, the Chairman of the Dispute Resolution Committee shall convene the Hearing Committee to review the Complaint. If a defendant moves to dismiss and if the Chairman of the Dispute Resolution Committee and two members of the Hearing Committee or if all members of the Hearing Committee, majority of the Hearing Committee, after an opportunity for informal argument by the parties, finds that the complaint does not allege facts sufficient to state a grievance under the Code or that the complaint is based upon evidence or allegations which are substantially the same as those that have been previously heard and decided, or which could have been presented in a previous hearing, or that the complaint raises, in whole or in part, issues that are arbitrable only, the complaint shall be automatically referred to the Dispute Resolution Committee for consideration at the earliest reasonable time. If ten members a majority of the Dispute Resolution Committee including the Chairman and the members of the Hearing Committee concludes that for any of the reasons set out in this section a hearing is not warranted, the complaint shall be dismissed, in whole or in part, and the matters dismissed deemed closed.

Add new section:

4) On the determination that a hearing is warranted, the Hearing Committee shall be convened by the presiding Hearing Officer and establish a schedule for the hearing.

4) 5) No change

Add new section:

6) It shall be the duty of the Hearing Officer to convene promptly the meetings of the Hearing Committee and to preside; to assure the expeditious disposition of the case; to rule on all questions of substance or procedure necessary to the conduct of the hearing, subject to being overridden by a majority vote of the Hearing Committee; to ask questions and to control the development of testimony and of evidence in the record as deemed appropriate; to prepare a draft opinion for the use of the Hearing Committee; and to advise the Hearing Committee in its deliberations on questions of substance and procedure. The Hearing Officer does not vote on the ultimate questions of fact, substance, procedure, or policy. as

E. PROCEDURES FOR IMPLEMENTATION

3. Formal Procedures

b) c) Hearing Committee and Hearing Officer  
/cont./

these are acted upon by the Hearing  
Committee. The Hearing Officer signs  
dispositive orders of the Hearing Committee  
only to authenticate them.

Add new section:

7) Members of hearing committees, members  
of the Dispute Resolution Committee, and  
the parties shall avoid ex-parte communica-  
tions bearing on the substance of the  
dispute.

## c) Procedure for Hearings

1) The parties to the proceedings shall be entitled to appear in person and to be represented by counsel or other adviser.

2) The Hearing Committee may, in its discretion, request that the Executive Committee of the Faculty Senate designate a member of the Law Faculty to serve as Committee Counsel to advise the Committee on legal questions during the hearings and deliberations.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of due process of law. The parties shall be entitled to testify on their own behalf, to call as witnesses any member of the University faculty and also any other person who is willing to testify, to present written and other tangible evidence, and to cross-examine witnesses called by other parties. Sworn depositions may be received in evidence when opposing parties have been given reasonable opportunity to appear and cross-examine the deponent. A party shall be entitled to inspect and copy, in advance of the hearing, any relevant documents in the control of another party and not privileged, and may offer such documents or excerpts therefrom in evidence.

e) d) Procedure for Hearings

1) No change

2) A grievance procedure is not a formal judicial proceedings. Its purpose is to provide a fair evaluation of the allegation that a right or a responsibility has been violated. In order to achieve that end, the Hearing Committee shall have authority to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and also any other person who is willing to testify; to question parties and witnesses; to exclude matters it deems irrelevant; and to place reasonable limits on arguments, the presentation of evidence, and the questioning of witnesses by the parties.

3) The procedure at the hearings shall be informal, but shall comply with the requirements of fairness to the parties. The Hearing Committee is not required to comply with rules of evidence applicable in courts of law and may receive any relevant evidence which is not privileged. The Hearing Committee may decline to consider evidence where its probative value is outweighed by considerations of unfair prejudice, confusion of the issues, undue delay, waste of time, or needless presentation of cumulative evidence. The parties shall be entitled to testify on their own behalf, to require the appearance of any material witness who is a member of the University faculty, administration, or staff, and to call any other person who is willing to testify; to present written and other tangible evidence, and to cross-examine witnesses called by other parties. ~~Sworn depositions may be received in evidence at the discretion of the Hearing Committee.~~ A party shall be entitled to inspect and copy in advance of the hearing, any relevant documents in the control of the other party and not privileged, and may offer such documents or excerpts therefrom in evidence.



E. Procedures for Implementation of Article X of the Faculty Code

1. Formal Proceedings

c) Procedure for Hearings

4) The parties shall be entitled to present opening and closing statements.

5) A stenographic record of the hearings shall be made and one copy, which shall be available to all parties, kept on file by the University.

6) The hearings shall be open to the public unless, on the motion of a party or the Hearing Committee, the Hearing Committee shall determine that it is in the best interest of the University and the parties that the hearings be closed.

7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The vote of a majority shall be determinative.

8) The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties.

3. Formal Proceedings

e) d) Procedure for Hearings /cont./

4) No change

5) No change

6) No change

7) At the conclusion of the taking of evidence and the hearing of arguments, the Committee shall deliberate and reach its decision in closed session. The Hearing Committee is not to substitute its judgment for that of the makers of a decision which is being challenged but rather to determine whether a substantial injury has resulted from an action that was arbitrary and capricious or otherwise substantially in violation of the Faculty Code. The vote of a majority shall be determinative.

8) Within ten calendar days The Hearing Committee shall render its findings and recommendations in a written report which shall state the number of members subscribing to the report and shall include dissenting opinions, if any. This report shall be submitted to the Chairman of the Executive Committee of the Faculty Senate and copies shall be transmitted to the parties and to the Chairman of the Dispute Resolution Committee.

Add new section:

9) The hearing procedures shall be concluded and the Hearing Committee's decision shall be rendered as soon as practicable.

E. Procedures for Implementation of  
Article X of the Faculty Code

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed with-

in ten days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by those members of the Grievance Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal.

c) The parties to an appeal shall be entitled to present written and oral argument.

d) The Grievance Committee shall render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Grievance Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

4. Appeals

a) Any party may appeal the decision of the Hearing Committee by filing a notice of appeal with the Chairman of the Grievance Dispute Resolution Committee and sending copies thereof to the Chairman of the Executive Committee of the Faculty Senate and to the other parties. The notice of appeal must be filed within ten calendar days of the receipt of the decision of the Hearing Committee.

b) An appeal shall be heard by members of the Grievance Dispute Resolution Committee who were not members of the Hearing Committee provided that members of the Committee who were disqualified from sitting as members of the Hearing Committee and members of the same department as any of the parties shall not participate in the hearings of the appeal. A quorum for hearing an appeal shall be two-thirds of those members of the Grievance Dispute Resolution Committee eligible under the terms of this section.

c) The parties to an appeal shall be entitled to present written and oral argument. However, evidence not introduced in the hearing may not be considered on appeal.

d) The Grievance Dispute Resolution Committee shall decide by majority vote and render an opinion in writing, sustaining, modifying, or remanding the decision of the Hearing Committee. Copies of the opinion shall be transmitted to the parties and the Chairman of the Executive Committee of the Faculty Senate.

5. Disposition

When the time for filing an appeal has expired without an appeal having been commenced, or when the appeal process has been completed and a final decision has been rendered, the record of the case, including the decisions of the Hearing Committee and the Grievance Dispute Resolution Committee, shall be transmitted to the President and the Board of Trustees for final disposition.

A RESOLUTION TO AMEND THE PROCEDURES FOR IMPLEMENTATION OF THE FACULTY CODE,  
PARAGRAPH F, DISMISSAL OF A FACULTY MEMBER (84/6)

WHEREAS, the procedures provided in Paragraph F for Dismissal of a Faculty Member for Adequate Cause under Article V, Paragraph C of the Faculty Code are closely linked to the Procedures for Implementation of Article X in Paragraph E, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That Paragraph F be brought into conformity with Paragraph E of the Procedures by substituting "Dispute Resolution" for "Grievance" Committee wherever the latter term appears as shown in the attached:

Committee on Professional Ethics and Academic Freedom of The Faculty Senate  
April 20, 1984

Postponed 5/4/84 to next regular Senate meeting (9/21/84)

Postponed 9/21/84 to the November 9, 1984, Senate meeting

Postponed 11/9/84 to the December 14, 1984, Senate meeting

**F. Procedures for the Dismissal of a Faculty Member for Adequate Cause**

**1. Commencement of Proceedings**

a) Proceedings to dismiss a tenured faculty member for adequate cause may be commenced by a complaint, addressed to the Chairman of the Grievance Committee, signed by the Vice President for Academic Affairs and either the dean or the department chairman who has administrative responsibility for the faculty member concerned. The complaint shall set forth the grounds alleged to constitute adequate cause for dismissal. A copy of the complaint shall

be delivered in hand to the faculty member concerned or shall be sent by registered mail to the faculty member's residence. A copy of the complaint shall also be sent to the Chairman of the Executive Committee of the Faculty Senate.

b) Proceedings may also be commenced by a petition, setting forth the grounds alleged to constitute adequate cause for dismissal and signed by a majority of the tenured faculty of the school or college of the faculty member concerned, or twenty tenured members of that faculty, whichever is the lesser. A copy of the executed petition shall be delivered in hand to the faculty member concerned or sent by registered mail to his residence. Copies shall also be sent to the Chairman of the Grievance Committee, the Chairman of the Executive Committee of the Faculty Senate, and the Vice President for Academic Affairs.

c) Within twenty calendar days of the receipt of the complaint, the faculty member concerned shall reply in writing, sending copies of the reply to the Chairman of the Grievance Committee, to the Chairman of the Executive Committee of the Faculty Senate, and to the Vice President for Academic Affairs. The reply shall set forth with particularity the responding faculty member's position with respect to each allegation of the complaint.

**F. Procedures for the Dismissal of a Faculty Member for Adequate Cause**

**1. Commencement of Proceedings**

a) line 4: Strike "Grievance" and insert "Dispute Resolution"

b) line 12: Strike "Grievance" and insert "Dispute Resolution"

c) line 5: Strike "Grievance" and insert "Dispute Resolution"



F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

2. *Hearing Committee*

a) Upon receipt of the complaint, the Chairman of the Grievance Committee shall, with the advice of the Executive Committee of the Faculty Senate, appoint a Hearing Committee of six members from among the members of the Grievance Committee.

b) No member of the same department as the faculty member concerned and no one who has signed a petition seeking that faculty member's dismissal shall sit on the Hearing Committee. The faculty member concerned may disqualify two members of the Hearing Committee by peremptory challenge and may also seek to disqualify a member of the Hearing Committee for cause. The Grievance Committee shall hear and decide any challenges for cause. The Chairman of the Grievance Committee shall, from among the remaining members of the Grievance Committee, fill any vacancies on the Hearing Committee created by challenges.

c) When all challenges have been decided and vacancies filled, the Hearing Committee shall convene, establish a schedule for the hearings, and elect a chairman from among its members to preside during the formal proceedings.

d) All of the members of the Hearing Committee shall be present during the hearings and the deliberations of the Committee except that the presence of one of them during part of the proceedings may be waived by agreement of the parties.

3. *Procedure for Hearings*

The procedure for the hearings shall be the same as provided in Part E of these Procedures, except that the hearing shall be closed on the motion of the faculty member concerned, and that the Hearing Committee may recommend the dismissal of the faculty member concerned only by the affirmative vote of two-thirds of its members.

4. *Appeals*

The faculty member concerned may appeal the decision of the Hearing Committee in accordance with the procedures provided in Part E, Paragraph 4, of these Procedures.

5. *Attorneys' Fees and Expenses*

If a faculty member prevails against charges brought against him or her, the University may, upon recommendation of the Hearing Committee, reimburse the faculty member concerned for all or part of attorneys' fees and expenses actually incurred in his or her defense.

F. Procedures for the Dismissal of a Faculty Member for Adequate Cause

2. *Hearing Committee*

a) line 2 & 6:  
Strike "Grievance" and insert "Dispute Resolution"

b) lines 10, 12 & 14:  
Strike "Grievance" and insert "Dispute Resolution."

c) No change

d) No change

3. *Procedure for Hearings*

No change

4. *Appeals*

No change

5. *Attorney's Fees and Expenses*

No change

A RESOLUTION TO ESTABLISH AN ANNUAL HONORS CONVOCATION (84/10)

WHEREAS, The Public Ceremonies Committee of the Faculty Senate has drawn up and unanimously approved a proposal for an annual honors convocation to "promote excellence in education at The George Washington University by recognizing undergraduate students who have achieved academic distinction"; and

WHEREAS, The University does not currently have a ceremony to honor students who have excelled in scholastic activity; THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the Faculty Senate endorse the proposal for an honors convocation and encourage the President of the University, the Vice President for Academic Affairs, and the deans of the undergraduate schools and colleges of the University for implementation by April, 1985.

Public Ceremonies Committee  
October 12, 1984

Postponed 11/9/84 to the December 14, 1984, Senate meeting

## Proposal for the Creation of an Annual Honors Convocation

An ad-hoc committee was appointed by the Public Ceremonies Committee in September of this year to prepare a substantive proposal for the establishment of an honors convocation at the University. The group met weekly over the past month and a half and took into consideration investigative work done by previous committees.

The ad-hoc committee, with the endorsement of the Public Ceremonies Committee, therefore proposes that an annual University Honors Convocation be established by the G.W. Administration beginning in the Spring semester of 1985 in accordance with the outline below.

PURPOSE: To promote excellence in education at The George Washington University by recognizing undergraduate students who have achieved academic distinction.

PARTICIPATION: All undergraduate, degree-granting schools and colleges of the University.

TIME AND LOCATION: A Saturday in early April, in Lisner Auditorium.

### TYPES OF RECOGNITION:

1. Dean's List Recipients - students named to the Dean's lists the previous Fall or Spring semesters.
2. Outstanding Academic Achievement Citation - students, who have completed a minimum of 45 semester hours of credit at G.W.U. and are among the top 2% (Q.P.I.) in their class in each school, will receive a special certificate.
3. Distinguished Scholar Award - recognizes an undergraduate student, one from each of the five schools, who has distinguished himself through exemplary academic achievement and scholarship. The student will be nominated by the faculty of each school and will be given a special award at the convocation.

### ORDER OF PROGRAM:

Musical Prelude  
Academic Procession  
Invocation  
Welcome  
Convocation Address (preferably a distinguished alumnus)  
Conferring of an Honorary Degree (if appropriate)  
Musical Presentation  
Recognition of Achievement (categories above)  
Remarks by the President of the University  
Alma Mater, etc.

Reception to follow at the Marvin Center



A RESOLUTION TO CREATE A UNIVERSITY COMMITTEE ON PUBLIC CEREMONIES (84/11)

WHEREAS, In recent years, public ceremonies at the University have become so varied and complex that their success requires the orchestration of a number of campus offices; and

WHEREAS, The Committee on Public Ceremonies is responsible for the growing, logistical burdens of University events such as the Opening Convocation, the winter and spring graduation exercises, and possible new programs, all of which seem to go beyond the original Committee charge to formulate recommendations and general policy regarding honorary degree candidates and all ceremonial functions;  
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That the existing Committee on Public Ceremonies of the Faculty Senate be renamed the Committee on Honors and Academic Convocations with the charge to formulate recommendations and general policy regarding honorary degree candidates and all ceremonial functions; and
- (2) That the Faculty Senate recommend that the President create a University Committee on Public Ceremonies to plan and execute the University's annual public events, to be effective Academic Year 1985-86.

Public Ceremonies Committee  
October 12, 1984

Postponed 11/9/84 to the December 14, 1984, Senate meeting

A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO GRADUAL RETIREMENT (84/12)

WHEREAS, in Resolution 84/3 the Faculty Senate approved a gradual retirement policy for full-time active status faculty members; and

WHEREAS, that Resolution further directed that appropriate language regarding the gradual retirement option be recommended for inclusion in the Faculty Code;  
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

- (1) That, subject to the approval of the Board of Trustees, the following changes be made in the Faculty Code:

Section VII. Retirement (pp.13,14)

A. In the second sentence of the second paragraph:

Add "fully" between "is" and "retired"

Add new subsection "D" as follows:

D. Full-time tenured members of the faculty with ten years of continuous full-time service who are between the ages of 60 and 70 may elect to continue on a half-time or two-thirds-time regular active status basis to the mandatory retirement age. Benefits and conditions of this reduced service will be as specified in the Faculty Handbook at the time the election to retire is made.

Section VIII. Retirement Annuity (p.14)

Replace present paragraph with the following:

The University has entered into agreements with providers of retirement annuities and other retirement investments, which agreements are organized on a dual participation basis. Full-time and regular part-time (as defined in Faculty Handbook) members of the faculty and those continuing in reduced service under the provisions of Section VII.D. are eligible to participate.

- (2) That the following changes be recommended in the Faculty Handbook:

Current page 34 - Benefits on Resignation or Retirement:

Insert "Full" following "or" in heading

(continued next page)

(2) (recommended changes in Faculty Handbook continued)

Current page 37:

Add new section (before last paragraph re: emeritus status):

Full-time members of the faculty who qualify under the provisions of Section VII.D. of the Faculty Code may retire partially by reducing their service to the University to either a two-thirds or a half-time basis. The two-thirds basis is usually considered to include teaching four courses per year and proportionate research and other service, while the one-half basis is usually considered to include teaching three courses per year and proportionate research and other service. Other combinations of effort resulting in such reduced service must be approved by the department chairperson, cognizant dean, and the Vice President for Academic Affairs.

The faculty member's salary shall be two-thirds or one-half of the normal full-time salary, and eligibility for annual salary increases shall continue.

All other benefits with the exception of the University's retirement contribution shall continue on the same basis as for full-time service. The University's contribution to the retirement plan will be continued on the same terms as for full-time faculty except that it will be based on the individual's actual salary.

Once a faculty member has elected to retire partially under the provisions of Section VII.D. of the Faculty Code, he/she may not increase the level of service thereafter. Correspondingly, the electing faculty member's salary, eligibility for salary increases, and other benefits may not be reduced. The faculty member may elect to retire fully at any appropriate time.

Committee on Appointment, Salary and  
Promotion Policies (including Fringe Benefits)

November 30, 1984



A RESOLUTION RECOMMENDING CHANGES IN THE ACADEMIC CALENDAR (84/13)

- WHEREAS, The Faculty Senate has requested the Committee on Educational and Admissions Policy to study the academic calendar for possible changes, and
- WHEREAS, Answers to a questionnaire distributed to faculty, administrators, and students in Spring 1984 show substantial desire for some additional study time in the calendar, which underwent its last major adjustment in 1974, and
- WHEREAS, The George Washington University has fewer teaching days than many other major Washington Consortium universities, and
- WHEREAS, The study of several thousand institutions of higher learning show that the Early Semester has been and is the most widely used and rapidly growing calendar for such institutions in the United States, and
- WHEREAS, The Committee believes that the educational process at The George Washington University would be better served by a calendar with some extra time off from class for catch-up study and research, and
- WHEREAS, The quality of the educational program in proportion to student dollars expended becomes an increasing concern in a period when the numbers of young people in the college pool each year is declining, and
- WHEREAS, Faculty on academic year appointments are paid for nine months' service so that institution of calendar changes proposed below would not require additional compensation for faculty; therefore

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That, beginning with Academic Year 1986-87, the Academic Calendar be changed so as generally to follow the sample calendar attached, which would:

- (a) establish 14-week semesters for Fall and Spring that would include 28 class meeting dates each semester for both Monday-Wednesday and Tuesday-Thursday classes;
- (b) include the Wednesday before Thanksgiving as a University holiday; end the Fall Semester before the mid-winter (Christmas) break; and keep the interval between Fall and Spring Semesters at least as at present;
- (c) reduce the present reading period by only one day if necessary to add class dates to the calendar; and
- (d) change the Summer Sessions to two 5-1/2 week periods of 28 class meeting dates each, but still allow departments to teach three-week sessions within the longer terms if they so desire and also provide time bands for longer class periods for "no-Fridays" summer classes if departments and instructors so desire.

Committee on Educational and Admissions Policy  
November 27, 1984

## AUGUST

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31						

1986-87

A=Advise  
R=Register  
C=Class  
/R=Reading  
E= Exam  
G=Grad-  
uation  
☒=Class  
to be on  
Regular  
Mon-Wed  
Schedule

## JANUARY

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## SEPTEMBER

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